

Message Text

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PAGE 01 PANAMA 04786 032152Z
ACTION ARA-14

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TO SECSTATE WASHDC 7821
INFO AMEMBASSY LIMA

UNCLAS PANAMA 04786

E.O. 11652: N/A
TAGS: BDIS, ECRE, EAIR, PN
SUBJECT: CLAIM REGARDING CONSTRUCTION AT TOCUMEN AIRPORT
REF: A. PANAMA 04586, B. STATE 155772

1. LINBECK REPS JAMES W. BRYDON, VP, AND OSCAR N HIBLER, JR., VP LEGAL AND INSURANCE, ACCOMPANIED BY ATTORNEY OWEN W. CECIL OF LAW FIRM FULBRIGHT AND JAWARSKI (ALL FROM HOUSTON) DISCUSSED LINBECK'S CLAIM AGAINST GOP WITH COM COUNSELOR, JUNE 27.

2. FOLLOWING BACKGROUND ON LINBECK'S PARTICIPATION IN SUBJECT CONSTRUCTION.

3. IN MAY 1975, LINBECK OF HOUSTON FORMED "CONSORCIO LINBECK-CLASA" TO REDESIGN AND CONSTRUCT THE TOCUMENT AIRPORT TERMINAL FOR \$26 MILLION. CLASA (CONSTRUCTORA LATINOAMERICANA S.A. - REF A) CONCENTRATED ON EARTHMOVING AND SITEWORK. LINBECK'S PARTICIPATION: 60 PERCENT AND CLASA'S: 30 PERCENT. THE REMAINDER REPRESENTED VESTED INTERESTS OF DR. RODRIGO FRANCO, A PERUVIAN WHO PROMOTED THE CONSTRUCTION CONTRACT WITH THE GOP CIVIL AERONAUTICS BUREAU (CAB). THE ORIGINAL BUILDING DESIGN HAD BEEN PREPARED BY RALPH M. PARSONS COMPANY.

4. WORK BEGAN IN JUNE 1975 UNDER SUPERVISION OF GOP-APPOINTED PISTSA-GREINER. LATTER JOINT VENTURE BETWEEN UNCLASSIFIED

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PANAMANIAN FIRM "PLANOS Y SUPERVICIONES TECHNICAS S.A." AND GREINER ENGINEERING OF TAMPA, FLORIDA. COMPLETION DATE WAS ORIGINALLY SCHEDULED JUNE 1977 AND EXTENDED SEPTEMBER 1977. SUBSTANTIAL COMPLETION WAS NOT REACHED UNTIL FEBRUARY 1978.

5. LINBECK NOW ASKING ADDITIONAL \$5.4 MILLION FOR CHANGES

ORDERED BY THE CAB FOR THE INTERIOR WORK PHASE. LINBECK'S JUSTIFICATIONS WERE THE DISRUPTIVE EFFECTS CAUSING COSTLIER PROJECT OVERHEAD AND ADMINISTRATION.

6. DURING THE PERIOD JANUARY-MARCH 1978, LINBECK REPS HAD A SERIES OF MEETINGS WITH PISTSA-GREINER AND MINISTER OF ECON PLANNING BARLETTA. LINBECK REPS MET AGAIN WITH PISTSA-GREINER AT TAMPA, FLORIDA, JUNE 26, AT WHICH TIME LATTER OFFERED "A FIGURE" FOR FINAL SETTLEMENT. LINBECK REPS CONSIDERING IT AND ARE SCHEDULED TO MEET WITH PISTSA-GREINER IN PANAMA, JULY 10.

7. LINBECK WANTS A PROMPT AMICABLE SETTLEMENT TO AVOID GOING TO ARBITRATION IN PANAMA WHICH THEY MAINTAINED COULD BE A RATHER COMPLICATED PROCESS FOR BOTH PARTIES.

8. LINBECK REPS APPRECIATED EMBASSY'S LIMITATIONS IN TECHNICAL MATTERS OF THIS SORT. HOWEVER, THEY BELIEVED EMBASSY'S EXPRESSED INTEREST WITH GOP OFFICIALS CONCERNED COULD BE HELPFUL. COM COUNSELOR PROMISED TO BRING THEIR COMPLAINT TO AMBASSADOR'S PERSONAL ATTENTION AND ASSURED THEM OF EMBASSY'S COOPERATION. HOWEVER, LINBECK REPS WERE ALSO TOLD TO CONTINUE MEETING WITH MINISTER BARLETTA. THEY WERE ALSO ADVISED TO MAKE FULL USE OF THE SERVICES OF THEIR LOCAL LEGAL ADVISER, GABRIEL CASTRO OF WELL-KNOWN LAW FIRM, AROSEMENA, NORIEGA AND CASTRO.

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9. COM COUNSELOR WILL CONTACT PISTSA-GREINER RESIDENT REP. ROBERT MADDUX TO GET GOP VIEW ON THE MATTER. HE IS IN TAMPA AT THIS TIME. JORDEN

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